

SENATE BILL No. 413

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-39-6-2.

Synopsis: Deputy prosecuting attorneys. Allows the prosecuting attorney of a judicial circuit of the first or second class to appoint one additional deputy prosecuting attorney whose salary is paid by the state. Provides that such an appointment may not be made if the prosecuting attorney may already appoint one or more additional deputy prosecuting attorneys because certain department of correction or other state facilities are located in the county.

Effective: July 1, 2007.

Zakas

January 16, 2007, read first time and referred to Committee on Judiciary.

C
o
p
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 413

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-39-6-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A prosecuting
3 attorney may appoint one (1) chief deputy prosecuting attorney. The
4 maximum annual salary paid by the state of a chief deputy prosecuting
5 attorney appointed under this subsection is as follows:

6 (1) If the prosecuting attorney is a full-time prosecuting attorney
7 appointing a full-time chief deputy prosecuting attorney, the
8 annual salary of the chief deputy prosecuting attorney is equal to
9 seventy-five percent (75%) of the salary paid by the state to a
10 full-time prosecuting attorney.

11 (2) If the prosecuting attorney is a full-time prosecuting attorney
12 appointing a part-time chief deputy prosecuting attorney, the
13 annual salary of the chief deputy prosecuting attorney is equal to
14 seventy-five percent (75%) of the salary paid by the state to a
15 part-time prosecuting attorney serving the judicial district served
16 by the chief deputy prosecuting attorney.

17 (3) If the prosecuting attorney is a part-time prosecuting attorney



C
o
p
y

1 appointing a full-time chief deputy prosecuting attorney, the
 2 annual salary of the chief deputy prosecuting attorney is equal to
 3 seventy-five percent (75%) of the salary paid by the state to a
 4 full-time prosecuting attorney.

5 (4) If the prosecuting attorney is a part-time prosecuting attorney
 6 appointing a part-time chief deputy prosecuting attorney, the
 7 annual salary of the chief deputy prosecuting attorney is equal to
 8 seventy-five percent (75%) of the salary paid by the state to a
 9 part-time prosecuting attorney.

10 (b) The prosecuting attorney in a county in which is located at least
 11 one (1) institution operated by the department of correction that houses
 12 at least one thousand five hundred (1,500) offenders may appoint two
 13 (2) additional deputy prosecuting attorneys. In a county having two (2)
 14 institutions, each of which houses at least one thousand five hundred
 15 (1,500) offenders, the prosecuting attorney may appoint a third deputy
 16 prosecuting attorney.

17 (c) The prosecuting attorney in a county in which is located an
 18 institution operated by the department of correction that houses at least
 19 one hundred (100) but less than one thousand five hundred (1,500)
 20 adult offenders may appoint one (1) additional deputy prosecuting
 21 attorney.

22 (d) The prosecuting attorney in a county in which is located a state
 23 institution (as defined in IC 12-7-2-184) that has a daily population of
 24 at least three hundred fifty (350) patients may appoint one (1)
 25 additional deputy prosecuting attorney.

26 **(e) This subsection does not apply to a prosecuting attorney in**
 27 **a county described in subsection (b), (c), or (d). The prosecuting**
 28 **attorney of a judicial circuit of the first or second class may**
 29 **appoint one (1) additional deputy prosecuting attorney.**

30 ~~(e)~~ (f) The annual salary of a deputy prosecuting attorney appointed
 31 under subsections (b) through ~~(d)~~ (e) may not be less than seventy-five
 32 percent (75%) of the annual salary of the appointing prosecuting
 33 attorney, as determined under section 5 of this chapter as though the
 34 prosecuting attorney had not elected full-time status.

35 ~~(f)~~ (g) The salaries provided in this section shall be paid by the state
 36 once every two (2) weeks from the state general fund. There is
 37 appropriated annually out of the general fund of the state sufficient
 38 funds to pay any amount necessary. However, the salaries fixed in this
 39 chapter are determined to be maximum salaries to be paid by the state.
 40 This chapter does not limit the power of counties comprising the
 41 respective judicial circuits to pay additional salaries upon proper action
 42 by the appropriate county officials.

C
o
p
y



1 ~~(g)~~ **(h)** The various county councils shall appropriate annually for
2 other deputy prosecuting attorneys, investigators, clerical assistance,
3 witness fees, out-of-state travel, postage, telephone tolls and telegraph,
4 repairs to equipment, office supplies, other operating expenses, and
5 equipment an amount necessary for the proper discharge of the duties
6 imposed by law upon the office of the prosecuting attorney of each
7 judicial circuit.

**C
o
p
y**

